

SPECIAL ACCOMMODATIONS QUESTIONNAIRE AND AFFIDAVIT

Name: (Last) (First) (Middle)

Current Address: (Street and Number)

(City) (State) (Zip Code)

Home Telephone: (Area Code & Number) Work Telephone: (Area Code & Number)

I. DISABILITY STATUS: See the attached Directions and Guidelines Concerning Disabilities. (Check all that apply.)

A. Are you: ☐ deaf? ☐ hard of hearing? ☐ blind? ☐ visually impaired?

B. Do you have a:

☐ physical disability?

Please explain: _____

☐ specific learning disability?

Please explain: _____

☐ psychological disability?

Please explain: _____

C. How long have you had your disability?

☐ Most of my life ☐ 1 year ☐ 2 years ☐ 3 years ☐ 4 years ☐ 5 years+

II. PAST ACCOMMODATIONS MADE FOR YOUR DISABILITY: See the attached Directions and Guidelines Concerning Disabilities.

A. In high school:

Were you in a special school or program? ☐ Yes ☐ No

Did you get special accommodations for classroom tests? ☐ Yes ☐ No

Did you generally get extra time for classroom tests? ☐ Yes ☐ No

B. Did you have special accommodations for taking the SAT or ACT examinations for admission to college? ☐ Yes ☐ No

C. In college:

Did you use disabled student services? ☐ Yes ☐ No
Did you generally get extra time for exams? ☐ Yes ☐ No

D. Did you have special accommodations for the LSAT? ☐ Yes ☐ No
If yes, what accommodations? (Check all that apply)

Formats: ☐ Braille ☐ Tape ☐ Large type ☐ Extra time ☐ Other

Please explain: _____

E. In law school:

Did you use disabled student services? ☐ Yes ☐ No
Did you generally get extra time for exams? ☐ Yes ☐ No

PLEASE INCLUDE DOCUMENTATION OF SPECIAL SERVICES AND TESTING ACCOMMODATIONS
YOU RECEIVED IN LAW SCHOOL BECAUSE OF YOUR DISABILITY.

III. Accommodations request for the bar examination: See the attached
Directions and Guidelines Concerning Disabilities. (Check all that apply.)

Formats: ☐ Braille ☐ Tape ☐ Large type ☐ Extra testing time

How much testing time? ☐ Time and a half ☐ Double time
☐ More than double time ☐ Other

Please Explain _____

Below please describe your specific disability, when and how it was first
identified, and the accommodations you are requesting because of it: _____

IV. The answers contained in this affidavit are to be considered as
continuing to be true from the date of this affidavit until the date of my
admission to the State Bar of Michigan, and if any answer or portion of an
answer ceases to be true, I acknowledge that I have a continuing obligation
to inform and I will immediately inform the Board of Law Examiners.

ATTENTION

**Affidavit MUST Be Executed Properly Before A Notary.
The Date of the Applicant's Signature AND The Date Of
The Notary Execution MUST Be The Same!**

DATE

SIGNATURE

Signed and sworn to before me in _____ County, Michigan on

Month

Day

Year

DIRECTIONS AND GUIDELINES CONCERNING DISABILITIES

How to Request Test Accommodations

- ☐ 1. Read the Guidelines carefully.
- ☐ 2. Be sure to sign the questionnaire and affidavit where indicated.
- ☐ 3. If appropriate, have your law school complete the **Certification of Prior Test Accommodations** form.
- ☐ 4. Attach documentation of the disability and your need for accommodation.
- ☐ 5. Send your Questionnaire and Affidavit to:

Board of Law Examiners
P.O. Box 30104
Lansing, MI 48909

Requests for test accommodations must be postmarked by December 15th for the February exam and May 15th for the July exam.

Introduction:

The Michigan State Board of Law Examiners provides reasonable and appropriate accommodations in accordance with the Americans with Disabilities Act for individuals with documented disabilities who demonstrate a need for accommodation.

The following information is provided for examinees, evaluators, law school staff, faculty and others involved in the process of documenting a request for test accommodations. We strongly encourage applicants requesting test accommodations to share these guidelines with their evaluator and with therapists/treating physicians, etc., so that appropriate documentation can be assembled to support the request for test accommodations.

The Americans with Disabilities Act of 1990 (ADA) and accompanying regulations define a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities. The purpose of documentation is to validate that the individual is covered under the Americans with Disabilities Act as a disabled individual.

The purpose of accommodations is to provide equal access to the bar examination. Accommodations "match up" with the identified functional limitation so that the area of impairment is alleviated by an auxiliary aid or adjustment to the testing procedure. **Functional limitation refers to the behavioral manifestations of the disability that impede the individual's ability to function, i.e.,** what someone cannot do on a regular and continuing basis as a result of the disability. For example, a functional limitation might be described as the inability to control fine motor movement so that the individual is unable to fill in computer answer sheets. An appropriate accommodation might be assistance with recording answers. Therefore, it is essential that the documentation provide a clear rationale for the identified functional impairment.

While presumably the use of accommodations in the test activity will enable the individual to better demonstrate his/her knowledge mastery, accommodations are not a guarantee of improved performance, test completion or a passing score.

I. General Guidelines

The following guidelines are provided to assist the applicant in documenting a need for accommodation based on an impairment that substantially limits one or more major life activities. Documentation submitted in support of a request is referred to experts in the appropriate area of disability for a fair and impartial professional review.

To support a request for test accommodations, please submit the following:

- 1. Completed Questionnaire**
- 2. A detailed, comprehensive written report describing your disability and its severity and justifying the need for the requested accommodations.** The following characteristics are expected of all documentation submitted in support of a request for accommodations. Documentation must:

***state a specific diagnosis of the disability.**

The diagnostic taxonomies used by the current edition of the Diagnostic and Statistical Manual of the American Psychiatric Association (DSM-IV) are recommended.

***be current.**

Because the provision of reasonable accommodations is based on assessment of the **current** impact of the examinee's disability on the testing activity, it is in the individual's best interest to provide recent documentation. As the manifestations of a disability may vary over time and in different settings, in most cases an evaluation should

have been conducted within the past three years.

***describe the specific diagnostic criteria and/or diagnostic tests used, including date(s) of evaluation, test results and a detailed interpretation of the test results.**

This description should include the specific results of diagnostic procedures and tests utilized and should include relevant educational, developmental, and medical history. Where appropriate, specific test scores should be reported to support the diagnosis.

Diagnostic methods used should be appropriate to the disability and current professional practices within the field. Informal or non-standardized evaluations should be described in enough detail that other professionals could understand their role and significance in the diagnostic process.

***describe in detail the individual's limitations due to the diagnosed disability, i.e., a demonstrated impact on functioning vis-a-vis the bar examination and explain the relationship of the test results to the identified limitations resulting from the disability.**

The current functional impact on physical, perceptual and cognitive abilities should be fully described.

***recommend specific accommodations and/or assistive devices including a detailed explanation of why these accommodations or devices are needed and how they will reduce the impact of the identified functional limitations.**

***establish the professional credentials of the evaluator that qualify him/her to make the particular diagnosis, including information about license or certification and specialization in the area of the diagnosis.** The evaluator should present evidence of comprehensive training and direct experience in the diagnosis and treatment of adults in the specific area of disability.

3. If no prior accommodations have been provided, the qualified professional expert should include a detailed explanation as to why no accommodations were given in the past and why accommodations are needed now.

II. Learning Disabilities

The following additional information is provided to clarify the documentation process for applicants submitting a request for accommodations based on a learning disability or other cognitive impairment.

1. The evaluation must be conducted by a qualified professional.

The diagnostician must have comprehensive training in the field of learning disabilities and must have comprehensive training and direct experience in working with an adult population.

2. Testing/assessment must be current.

The determination of whether an individual is "significantly limited" in functioning is based on assessment of the **current** impact of the impairment. (See General Guidelines)

3. Documentation must be comprehensive.

Objective evidence of a substantial limitation in cognition or learning must be provided. At a minimum, the comprehensive evaluation should include the following:

A diagnostic interview and history taking

Because learning disabilities are commonly manifested during childhood, though not always formally diagnosed, relevant historical information regarding the individual's academic history and learning processes in elementary, secondary and postsecondary education should be investigated and documented. The report of assessment should include a summary of a comprehensive diagnostic interview that includes relevant background information to support the diagnosis. In addition to the candidate's self-report, the report of assessment should include:

- []** A description of the presenting problem(s);
- []** A developmental history;
- []** Relevant academic history including results of prior standardized testing, reports of classroom performance and behaviors including transcripts, study habits and attitudes and notable trends in academic performance;
- []** Relevant family history, including primary language of the home and current level of fluency in English;
- []** Relevant psycho social history;
- []** Relevant medical history including the absence of a medical basis for the present symptoms;
- []** Relevant employment history;
- []** A discussion of dual diagnosis, alternative or co-existing mood, behavioral, neurological and/or personality disorders along with any history of relevant medication and current use that may impact the individual's learning; and
- []** Exploration of possible alternatives that may mimic a learning disability when, in fact, one is not present.

A psycho educational or neuropsychological evaluation

The psycho educational or neuropsychological evaluation must be submitted on the letterhead of a qualified professional and it must provide clear and specific evidence that a learning or cognitive disability does or does not exist.

- [] Assessment must consist of a comprehensive battery of tests.
- [] A diagnosis must be based on the aggregate of test results, history and level of current functioning. It is not acceptable to base a diagnosis on only one or two subtests.
- [] Objective evidence of a substantial limitation to learning must be presented.
- [] Tests must be appropriately normed for the age of the patient and must be administered in the designated standardized manner.

Minimally, the domains to be addressed should include the following:

[] **Cognitive Functioning**

A complete cognitive assessment is essential with **all subtests and standard scores reported**. Acceptable measures include but are not limited to: Wechsler Adult Intelligence Scale-III (WAIS-III); Woodcock Johnson Psycho Educational Battery--Revised: Tests of Cognitive Ability; Kaufman Adolescent and Adult Intelligence Test.

[] **Achievement**

A comprehensive achievement battery with all subtests and standard scores is essential. The battery must include current levels of academic functioning in relevant areas such as reading (decoding and comprehension) and mathematics. Acceptable instruments include, but are not limited to, the Woodcock-Johnson Psycho Educational Battery--Revised: Tests of Achievement; The Scholastic Abilities Test for Adults (SATA); Woodcock Reading Mastery Tests--Revised.

Specific achievement tests are useful instruments when administered under standardized conditions and when interpreted within the context of other diagnostic information. The Wide Range Achievement Test-3 (WRAT-3) and the Nelson-Denny Reading Test are not comprehensive diagnostic measures of achievement and therefore neither is acceptable if used as the sole measure of achievement.

[] **Information Processing**

Specific areas of information processing (e.g., short- and long-term memory, sequential memory, auditory and visual perception/processing, auditory and phonological awareness, processing speed, executive functioning, motor ability) must be assessed. Acceptable measures include, but are not limited to, the Detroit Tests of Learning Aptitude--Adult (DTLA-A), Wechsler Memory Scale-III (WMS-III), information from the Woodcock Johnson Psycho Educational Battery Revised: Tests of Cognitive Ability, as well as other relevant instruments that may be used to address these areas.

[] Other Assessment Measures

Other formal assessment measures or nonstandard measures and informal assessment procedures or observations may be integrated with the above instruments to help support a differential diagnosis or to disentangle the learning disability from co-existing neurological and/or psychiatric issues. In addition to standardized test batteries, nonstandardized measures and informal assessment procedure may be helpful in determining performance across a variety of domains.

Actual test scores must be provided (standard scores where available). (See General Guidelines)

Records of academic history should be provided.

Because learning disabilities are most commonly manifested during childhood, relevant records detailing learning processes and difficulties in elementary, secondary and postsecondary education should be included. Such records as grade reports, transcripts, teachers' comments and the like will serve to substantiate self-reported academic difficulties in the past and currently.

A differential diagnosis must be reviewed and various possible alternative causes for the identified problems in academic achievement should be ruled out.

The evaluation should address key constructs underlying the concept of learning disabilities and provide clear and specific evidence of the information processing deficit(s) and how these deficits currently impair the individual's ability to learn. **No single test or subtest is a sufficient basis for a diagnosis.**

The differential diagnosis must demonstrate that:

- []** Significant difficulties persist in the acquisition and use of listening, speaking, reading, writing or reasoning skills.
- []** The problems being experienced are not primarily due to lack of exposure to the behaviors needed for academic learning or to an inadequate match between the individual's ability and the instructional demands.

A clinical summary must be provided.

A well-written diagnostic summary based on a comprehensive evaluative process is a necessary component of the report. Assessment instruments and the data they provide do not diagnose; rather, they provide important data that must be integrated with background information, historical information and current functioning. It is essential then that the evaluator integrate all information gathered in a well-developed clinical summary. The following elements must be included in the clinical summary:

- [] Demonstration of the evaluator's having ruled out alternative explanations for the identified academic problems as a result of poor education, poor motivation and/or study skills, emotional problems, attentional problems and cultural or language differences;
- [] Indication of how patterns in cognitive ability, achievement and information processing are used to determine the presence of a learning disability;
- [] Indication of the substantial limitation to learning presented by the learning disability and the degree to which it impacts the individual in the context of the bar exam; and
- [] Indication as to why specific accommodations are needed and how the effects of the specific disability are mediated by the recommended accommodation(s).

Problems such as test anxiety, English as a second language (in and of itself), slow reading without an identified underlying cognitive deficit or failure to achieve a desired academic outcome are not learning disabilities and therefore are not covered under the Americans with Disabilities Act.

Each accommodation recommended by the evaluator must include a rationale.

The evaluator must describe the impact the diagnosed learning disability has on a specific major life activity as well as the degree of significance of this impact on the individual. The diagnostic report must include specific recommendations for accommodations and a detailed explanation as to why each accommodation is recommended. Recommendations must be tied to specific test results or clinical observations. The documentation should include any record of prior accommodation or auxiliary aids, including any information about specific conditions under which the accommodations were used and whether or not they were effective. However, a prior history of accommodation, without demonstration of a current need, does not in and of itself warrant the provision of a like accommodation. If no prior accommodation(s) has been provided, the qualified professional expert should include a detailed explanation as to why no accommodation(s) was used in the past and why accommodation(s) is needed at this time.

III. Attention-Deficit/Hyperactivity Disorder (ADHD)

For those applicants submitting a request for accommodations based on Attention-Deficit/Hyperactivity Disorder (ADHD), the following additional

information is provided to clarify the documentation process:

1. The evaluation must be conducted by a qualified diagnostician.

Professionals conducting assessments and rendering diagnoses of ADHD must be qualified to do so. Comprehensive training in the differential diagnosis of ADHD and other psychiatric disorders and direct experience in diagnosis and treatment of adults is necessary. The evaluator's name, title and professional credentials, including information about license or certification as well as the area of specialization, employment and state in which the individual practices should be clearly stated in the documentation.

2. Testing/assessment must be current.

The determination of whether an individual is "significantly limited" in functioning is based on assessment of the current impact of the impairment on the bar examination testing program. (See General Guidelines)

3. Documentation necessary to substantiate the Attention-Deficit/Hyperactivity Disorder must be comprehensive.

Because ADHD is, by definition first exhibited in childhood (although it may not have been formally diagnosed) and in more than one setting, objective, relevant, historical information is essential. Information verifying a chronic course of ADHD symptoms from childhood through adolescence to adulthood, such as educational transcripts, report cards, teacher comments, tutoring evaluations, job assessments and the like are necessary.

1. The evaluator is expected to review and discuss DSM-IV diagnostic criteria for ADHD and describe the extent to which the patient meets these criteria. The report must include information about the specific symptoms exhibited and document that the patient meets criteria for longstanding history, impairment and pervasiveness.

2. A history of the individual's presenting symptoms must be provided, including evidence of ongoing impulsive/hyperactive or inattentive behaviors (as specified in DSM-IV) that significantly impair functioning in two or more settings.

3. The information collected by the evaluator must consist of more than self-report. Information from third party sources is critical in the diagnosis of adult ADHD. Information gathered in the diagnostic interview and reported in the evaluation should include, but not necessarily be limited to, the following:

[] History of presenting attentional symptoms, including evidence of ongoing impulsive/hyperactive or inattentive behavior that has significantly impaired functioning over time;

[] Developmental history;

- [] Family history for presence of ADHD and other educational, learning, physical or psychological difficulties deemed relevant by the examiner;
- [] Relevant medical and medication history, including the absence of a medical basis for the symptoms being evaluated;
- [] Relevant psycho social history and any relevant interventions;
- [] A thorough academic history of elementary, secondary and postsecondary education;
- [] Review of psycho educational test reports to determine if a pattern of strengths or weaknesses is supportive of attention or learning problems;
- [] Evidence of impairment in several life settings (home, school, work, etc.) and evidence that the disorder significantly restricts one or more major life activities.
- [] Relevant employment history;
- [] Description of current functional limitations relative to an educational setting and to the bar exam in particular that are presumably a direct result of the described problems with attention;
- [] A discussion of the differential diagnosis, including alternative or co-existing mood, behavioral, neurological and/or personality disorders that may confound the diagnosis of ADHD; and
- [] Exploration of possible alternative diagnoses that may mimic ADHD.

4. Relevant Assessment Batteries

A neuropsychological or psycho educational assessment may be necessary in order to determine the individual's pattern of strengths or weaknesses and to determine whether there are patterns supportive of attention problems. Test scores or subtest scores alone should not be used as the sole basis for the diagnostic decision. Scores from subtests on the Wechsler Adult Intelligence Scale-III (WAIS-III), memory functions tests, attention or tracking tests or continuous performance tests do not in and of themselves establish the presence or absence of ADHD. They may, however, be useful as one part of the process in developing clinical hypotheses. Checklists and/or surveys can serve to supplement the diagnostic profile but by themselves are not adequate for the diagnosis of ADHD. When testing is used, standard scores must be provided for all normed measures.

5. Identification of DSM-IV Criteria

A diagnostic report must include a review of the DSM-IV criteria for ADHD both currently and retrospectively and specify which symptoms are present (see DSM-IV for specific criteria). According to DSM-IV, "the essential feature of ADHD is a persistent pattern of inattention and/or hyperactivity-impulsivity that is more frequent and severe than is typically observed in individuals at a comparable level of development." Other criteria include:

1. Symptoms of hyperactivity-impulsivity or inattention that cause impairment that were present in childhood.
2. Current symptoms that have been present for at least the past six months.
3. Impairment from the symptoms present in two or more settings (school, work, home).

6. Documentation Must Include a Specific Diagnosis

The report must include a specific diagnosis of ADHD based on the DSM-IV diagnostic criteria. Individuals who report problems with organization, test anxiety, memory and concentration only on a situational basis do not fit the prescribed diagnostic criteria for ADHD. Given that many individuals benefit from prescribed medications and therapies, a positive response to medication by itself is not supportive of a diagnosis, nor does the use of medication in and of itself either support or negate the need for accommodation.

7. A Clinical Summary Must Be Provided

A well-written diagnostic summary based on a comprehensive evaluative process is a necessary component of the assessment. The clinical summary must include:

1. Demonstration of the evaluator's having ruled out alternative explanations for inattentiveness, impulsivity, and/or hyperactivity as a result of psychological or medical disorders or noncognitive factors;
2. Indication of how patterns of inattentiveness, impulsivity and/or hyperactivity across the life span and across settings are used to determine the presence of ADHD.
3. Indication of the substantial limitation to learning presented by ADHD and the degree to which it impacts the individual in the context for which accommodations are being requested (e.g., impact on the bar exam); and
4. Indication as to why specific accommodations are needed and how the effects of ADHD symptoms, as designated by the DSM-IV, are mediated by the accommodation(s).

8. **Each accommodation recommended by the evaluator must include a rationale.**

The evaluator must describe the impact of ADHD (if one exists) on a specific major life activity as well as the degree of significance of this impact on the individual. The diagnostic report must include specific recommendations for accommodations. A detailed explanation must be provided as to why each accommodation is recommended and should be correlated with specific identified functional limitations. Prior documentation may have been useful in determining appropriate services in the past. However, documentation should validate the need for accommodations based on the individual's current level of functioning. The documentation should include any record of prior accommodation or auxiliary aid, including information about specific conditions under which the accommodation was used (e.g., standardized testing, final exams, subject exams, etc.) However, a prior history of accommodation without demonstration of a current need does not in itself warrant the provision of a similar accommodation. If no prior accommodation has been provided, the qualified professional and/or individual being evaluated should include a detailed explanation as to why no accommodation was used in the past and why accommodation is needed at this time.

Because of the challenge of distinguishing ADHD from normal developmental patterns and behaviors of adults, including procrastination, disorganization, distractibility, restlessness, boredom, academic underachievement or failure, low self-esteem and chronic tardiness or inattendance, a multifaceted evaluation must address the intensity and frequency of the symptoms and whether these behaviors constitute an impairment in a major life activity.

What to Do

TO PROTECT YOUR CONFIDENTIALITY, ALWAYS SEND TEST ACCOMMODATION INFORMATION SEPARATELY TO THE ADDRESS BELOW.

Do not include these materials with your examination application.

Address all requests and inquiries to:

Board of Law Examiners
P.O. Box 30104
Lansing, MI 48909

(517) 334-6992

Test Accommodations

Test accommodations include but are not limited to the following:

- ☐ Assistance in completing answer sheets
- ☐ Audio Tape
- ☐ Extended testing time
- ☐ Extra or extended breaks (without extended testing time for the examination)
- ☐ Large print examination
- ☐ Printed copy of verbal instructions read by the proctor

Time line for Submitting Requests

What to do: Submit a completed "Special Accommodations Questionnaire and Affidavit" with accompanying documentation postmarked by December 15th for the February exam or May 15th for the July exam.

Early requests are encouraged and speed up the review process.

If there is a need for further verification of the disability or the need for accommodation, it is possible that the decision on providing the accommodation will be delayed until the next scheduled test administration.

Previously Approved Request

What to do: Submit a written request to the address listed above postmarked by December 15th for the February exam or May 15th for the July exam for accommodations and include the following:

- ☐ Your name
- ☐ Address
- ☐ Daytime phone number
- ☐ Administration for which you are applying

Change in Disability or Accommodations Requested

If there are any changes in the nature or extent of your disability or if the accommodations will differ from previously provided accommodations, you must:

- [] Submit a timely request
- [] Provide detailed documentation which explains the change.

**Law School Certification of
Prior Test Accommodations**

To be completed by a law school official responsible for student disability services. Please type or print.

Applicant Name: _____

1. I, _____, hold the position of _____
Name Title

2. I certify that _____ has officially
Name of Institution
approved and provided the following test accommodations for the above
applicant beginning on _____
Date (Month/Year)

Accommodation(s) provided: _____

Reason for provision of accommodation(s): _____

Signature _____ **Date** _____

() _____
Telephone Number